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REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES**

(covering its work during 1997)

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CHAPTER XI

FALKLAND ISLANDS (MALVINAS)

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* A/52/150 and Corr.1.

** The present document contains chapter XI of the Special Committee's report to the General Assembly. The general introductory chapter will be issued under the symbol A/52/23 (Part I). Other chapters of the report will be issued under the symbol A/52/23 (Parts II-VI). The complete report will be issued subsequently as Official Records of the General Assembly, Fifty-second session, Supplement No. 23 (A/52/23).

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CHAPTER XI

FALKLAND ISLANDS (MALVINAS)

A. Consideration by the Special Committee

1. At its 1466th meeting, on 16 January 1997, by adopting the suggestions relating to the organization of its work put forward by the Chairman (A/AC.109/L.1856), the Special Committee decided, inter alia, to take up the question of the Falkland Islands (Malvinas) as a separate item and to consider it at its plenary meetings.

2. The Special Committee considered the question at its 1470th and 1474th meetings, on 6 and 16 June 1997.

3. In its consideration of the question, the Special Committee took into account General Assembly decision 51/407 of 25 October 1996, as well as other relevant resolutions and decisions.

4. During its consideration of the question, the Special Committee had before it a working paper prepared by the Secretariat containing information on developments concerning the Territory (A/AC.109/2083).

5. At its 1470th meeting, on 6 June, the Special Committee granted requests for hearing to Mr. William R. Luxton and Mrs. Sharon Halford of the Legislative Council of the Falkland Islands (Malvinas), as well as to Mr. Alejandro Betts and Mr. Juan Scott, who made statements at the 1474th meeting, on 16 June (see A/AC.109/SR.1474).

6. At the 1474th meeting, the Chairman informed the Special Committee that the delegations of Argentina and Paraguay had requested to participate in the Committee's consideration of the item. The Committee decided to accede to the requests.

7. At the same meeting, the representative of Chile introduced, on behalf also of Bolivia, Cuba, Papua New Guinea and Venezuela, a draft resolution on the question (A/AC.109/L.1863).

8. Also at the same meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina made a statement (see A/AC.109/SR.1474).

9. At the same meeting, the representative of Paraguay, on behalf of the States parties of the Southern Cone Common Market (MERCOSUR) (Brazil, Argentina, Paraguay and Uruguay) and also on behalf of Bolivia and Chile, made a statement (see A/AC.109/SR.1474).

10. At the same meeting, following statements by the representatives of Fiji, Venezuela, Cuba, Bolivia and China (see A/AC.109/SR.1474), the Special Committee adopted draft resolution A/AC.109/L.1863 without a vote (A/AC.109/2096).

11. At the same meeting, the representative of Sierra Leone made statement in explanation of its position (see A/AC.109/SR.1474).

12. On 30 June, the text of the resolution (A/AC.109/2096) was transmitted to the Permanent Representatives of the United Kingdom of Great Britain and

Northern Ireland and of Argentina to the United Nations for the attention of their Governments.

13. The delegation of the United Kingdom, the administering Power concerned, did not participate in the Special Committee's consideration of the item.[1]

B. Decision of the Special Committee

14. The text of the resolution (A/AC.109/2096) adopted by the Special Committee at its 1474th meeting, on 16 June 1997, to which reference is made in paragraph 10, is reproduced below:

The Special Committee,

Having considered the question of the Falkland Islands (Malvinas),

Aware that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965, 3160 (XXVIII) of 14 December 1973, 31/49 of 1 December 1976, 37/9 of 4 November 1982, 38/12 of 16 November 1983, 39/6 of 1 November 1984, 40/21 of 27 November 1985, 41/40 of 25 November 1986, 42/19 of 17 November 1987 and 43/25 of 17 November 1988, Special Committee resolutions A/AC.109/756 of 1 September 1983, A/AC.109/793 of 21 August 1984, A/AC.109/842 of 9 August 1985, A/AC.109/885 of 14 August 1986, A/AC.109/930 of 14 August 1987, A/AC.109/972 of 11 August 1988, A/AC.109/1008 of 15 August 1989, A/AC.109/1050 of 14 August 1990, A/AC.109/1087 of 14 August 1991, A/AC.109/1132 of 29 July 1992, A/AC.109/1169 of 14 July 1993, A/AC.109/2003 of 12 July 1994, A/AC.109/2033 of 13 July 1995 and A/AC.109/2062 of 22 July 1996 and Security Council resolutions 502 (1982) of 3 April 1982 and 505 (1982) of 26 May 1982,

Distressed that, notwithstanding the time that has elapsed since the adoption of General Assembly resolution 2065 (XX), this prolonged dispute has not yet been settled,

Aware of the interest of the international community in the resumption by the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland of their negotiations in order to find as soon as possible a peaceful, just and lasting solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas),

Expressing its preoccupation over the fact that the good level of relations between Argentina and the United Kingdom has not yet led to negotiations on the question of the Falkland Islands (Malvinas),

Considering that this situation should facilitate the resumption of the negotiations in order to find a peaceful solution to the dispute over sovereignty,

Reaffirming the principles of the Charter of the United Nations on the non-use of force or the threat of force in international relations and the peaceful settlement of international disputes,

Calling attention to the importance of the Secretary-General continuing his efforts to give full effect to the mission entrusted to him by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas),

Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas),

1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;

2. Takes note of the views expressed by the Minister for Foreign Affairs, International Trade and Worship of Argentina on the occasion of the fifty-first session of the General Assembly;[2]

3. Regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;

4. Requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;

5. Reiterates its firm support for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas);

6. Decides to keep under review the question of the Falkland Islands (Malvinas) subject to the directives that the General Assembly has issued and may issue in that regard.

Notes

[1] See Official Records of the General Assembly, Forty-first Session, Supplement No. 23 (A/41/23), chap. I, paras. 76 and 77.

[2] Ibid., Fifty-first Session, Plenary Meetings, 4th meeting (A/51/PV.4).